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RULES AND DIRECTIONS,

FOR

PROCEEDINGS

IN

THE CONFEDERATE STATES

PATENT OFFICE.

RICHMOND:

RITCHIE & DUNNAVANT, PRINTERS.

1861.

18th Dec 1875

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at the ... of ...

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RULES AND DIRECTIONS.

THE following information and regulations are mainly intended for the benefit of persons having business with the patent office. They are designed to be in strict accordance with the act of congress of May 21st, 1861 :

1. Any citizen of the Confederate States, or alien, provided the government of the latter has recognized the independence of the Confederate States and is at the time in amity with them, may obtain a patent for any invention or improvement made by him that is new and useful.

2. The assignee of any invention may have the patent issue to him directly; but this is held to apply only to assignees of entire interests; so that although when the inventor assigns his *entire* interest to two or more a patent will issue to them jointly, still if he yet retains a portion in himself, a joint patent will not be issued to him and them.

3. In case of the death of the inventor, the patent will issue to his legal representatives. (Sec. 9.)

4. Joint inventors are entitled to a joint patent; but neither can claim one separately.

5. If the inventor be a slave, his master may make the oath in his stead, and on complying with the requisites of the law, may obtain a patent.

Of patents granted by the United States.

6. Patents granted to citizens of the Confederate States, or of the states of Tennessee and North Carolina, prior to the 4th of February 1861, may be revived and continued in force for the term for which they were issued yet unexpired, by having them recorded in this office within nine months from the 21st May 1861. (Sec. 49.)

The holders of such patents are, however, required, in order to entitle themselves to the benefit of this section of the law, to pay a duty of twenty dollars, the cost of recording, at the rate of ten cents per every hundred words, and to deposit such descriptive drawings, and a model also, if necessary, as will explain and identify the inventions covered by the patent.

The drawing should be a copy of that annexed to the patent.

It must be understood that this provision of the

law does not extend to patents that have been extended beyond the term of fourteen years by the United States government. An extended patent cannot be revived.

It is recommended to those who desire to revive their patents, that no time be lost in fulfilling the conditions above indicated.

What will prevent the grant of a patent.

7. Even although the applicant has in good faith actually made an invention, a patent therefor will not be granted him, if the whole or any part of what he claims as new had before been patented, or described in any printed publication in this or any foreign country; or even if it had before been invented or discovered in this country; or if he has once abandoned his invention to the public; or if, with his consent and allowance, it has been for more than two years in public use or on sale. (Secs. 6 and 7.)

8. The mere fact of prior invention or discovery abroad will not prevent the issue of the patent, unless the invention had been there patented or described in some printed publication; nor will the procurement of a patent by any individual in

a foreign country and the publication of the same, defeat his application for a patent in this country, if his specifications and drawings shall be filed within six months after the date of said foreign patent. (Sec. 8.)

Mode of proceedings to obtain a patent.

9. The application must be made by the actual inventor, if alive—unless he be a slave—even though the patent is to issue to the assignee; but where the inventor is dead, the application and oath may be made by the legal representative. (Sec. 9.)

10. The application must be in writing, signed by the applicant, and addressed to the commissioner of patents.

The following, varied according to circumstances, will answer the purpose :

Petition.

To the Commissioner of Patents :

The petition of John Smith of Mobile, county of Mobile and state of Alabama,

Respectfully represents, that your petitioner has invented a new and improved mode of preserving

meats, which he verily believes has not been known or used prior to the invention thereof by your petitioner. He therefore prays that letters patent of the Confederate States may be granted to him therefor, vesting in him and his legal representatives the exclusive right to the same, upon the terms and conditions expressed in the act of congress, in that case made and provided; he having paid twenty dollars into the treasury, and complied with the other provisions of said act.

JOHN SMITH.

11. The applicant must set forth in his specification the precise invention for which he claims a patent. If claimed as a mere improvement on another invention, that fact should be clearly stated; and if claimed as substantially differing from another invention with which it appears to be coincident, the difference must be clearly pointed out.

12. Two or more machines will not be allowed to be the subject of one patent, unless connected in their design and operation.

13. The specification must be signed by the inventor (or by his executor or administrator, if the inventor be dead, or by his master if he be a slave).

It should describe the sections of the drawings—where there are drawings—and refer by letters and figures to the different parts. The following may be taken as a proper form :

Specification.

To all whom it may concern :

Be it known, that I, James Jones of Richmond, in the county of Henrico, in the state of Virginia, have invented a new and improved mode of preventing the explosion of steam boilers ; and I do hereby declare that the following is a full and exact description thereof, reference being had to the accompanying drawings, which make a part hereof, and to the letters of reference marked thereon. The nature of my invention consists in providing the upper part of a steam boiler with an aperture in addition to that for the safety valve ; which aperture is to be closed by a plug or disk of alloy, which will fuse at any given degree of heat, and permit the steam to escape, should the safety valve fail to perform its functions.

To enable others skilled in the art to make and use my invention, I will proceed to describe its construction and operation. I construct my boiler in any of the usual forms, and apply thereto gauge

cocks, a safety valve, and the other appendages of such boilers; but in order to obviate the danger arising from the adhesion of the safety valve, and from other causes, I make a second opening in the top of the boiler, similar to that made for the safety valve, as shown at A, in the accompanying drawing; and in this opening I insert a plug or disk of fusible alloy, securing it in its place by a metal ring and screws, or otherwise. This fusible metal I in general compose of a mixture of lead, tin and bismuth, in such proportions as will insure its melting at a given temperature, which must be that to which it is intended to limit the steam; and will of course vary with the pressure the boiler is intended to sustain.

I surround the opening containing the fusible alloy by a tube B, intended to conduct off any steam that may be discharged therefrom. When the temperature of the steam in the boiler rises to its assigned limit, the fusible alloy will melt and allow the steam to escape freely, thereby securing the boiler from all danger of explosion. What I claim as my invention, and desire to secure by letters patent, is the application to steam boilers of a fusible alloy, which will melt at a given temperature, and allow the steam to escape, as herein de-

scribed, using for that purpose the aforesaid metallic compound, or any other substantially the same, and which will produce the intended effect.

JAMES JONES.

Witnesses :

ROBT. FULTON.

OLIVER EVANS.

When the application is for a machine, the specification should commence thus :

Be it known, that I, _____ of
 _____ in the county of _____
 and state of _____, have invented a
 new and useful machine for (state the use and title
 of the machine; and if the application is for an
 improvement, it should read thus: a new and use-
 ful improvement on a, or on the machine, &c. &c.):
 and I do hereby declare that the following is a full,
 clear and exact description of the construction and
 operation of the same, reference being had to the
 annexed drawings, making a part of this specifica-
 tion, in which figure 1 is a perspective view; figure
 2, a longitudinal elevation; figure 3, a transverse
 section, &c. (Describe all the sections of the draw-
 ings, and then refer to the parts by letters.) Then
 follows the description of the construction and

operation of the machine. And lastly, make the claim, which should express the nature and character of the invention, and identify the parts claimed separately or in combination. If the specification is for an improvement, the original invention should be disclaimed, and the claim confined to the improvement.

14. The specification must be signed by the inventor, and attested by two witnesses. (Sec. 6.)

15. The applicant must then make oath or affirmation substantially as follows:

Oath.

City and County of Mobile, State of Alabama, ss:

On this day of 186 ,
before me, the subscriber, a , personally appeared the within named Amos Appleton, and made solemn oath (or affirmation) that he verily believes himself to be the original and first inventor of the mode herein described for preventing the decay of wood, and that he does not know or believe the same was ever before known or used; and that he is a citizen of the Confederate States of America.

(Signed)

C——— S———,
Justice of the Peace.

16. The oath may be taken before any person authorized by law to administer oaths.

17. When the oath is taken in a foreign country, it may be taken before any minister plenipotentiary, charge d'affaires, consul or commercial agent holding commission under the government of the Confederate States, or before any notary public of the country in which the oath is taken, being attested in all cases by the proper official seal: and provided always the foreign state in which the oath is taken shall have recognized the independence of the Confederate States, and shall be at the time in amity with them. (Sec. 31.)

18. The drawings required by law (sec. 6) should generally be in perspective. Such parts as cannot be shown in perspective must, if described, be represented in plans, sections or details.

19. Duplicate drawings are required. They should be neatly executed on sheets separate from the other papers—from sixteen to eighteen inches from top to bottom, and not less than thirteen across, nor more than twenty-five, unless more space is necessary to exhibit the device or machine with clearness. One of these drawings, which is to be kept in the office for reference, should be on stiff drawing paper. The other, which is to be

attached to the patent, should have a margin of at least one inch for that purpose on the right hand side, and should be on some material that will bear folding and transportation. Each part should be distinguished by the same number or letter, wherever that part is delineated in the drawings, and should be referred to in the specification by such number or letter. These drawings should be signed by the applicant, and attested by two witnesses.

20. The model must be neatly and substantially made of durable material, and not more than one foot in length or height, except where a larger model is permitted, for special reasons, to be shown by the applicant. Models filed as exhibits, in interference and other cases, should also, if practicable, conform to this rule as to size. Should they exceed this limit, they will not be preserved in the office after the termination of the case to which they belong. If made of pine or other soft wood, they should be painted, stained or varnished. A working model is always desirable, in order to enable the office fully and readily to understand the precise operation of the machine. The name of the inventor, and also of the assignee (if assigned), must be fixed upon it in a permanent manner.

21. When the invention is of a composition of matter, a specimen of the ingredients and of the composition which the law requires (sec. 6), must accompany the application, and the name of the inventor and assignee (if there be one) must be permanently affixed thereto.

22. Models or specimens forwarded without a name, are liable to be lost or mislaid, as they cannot be entered upon the record.

23. *No application can be examined, nor can the case be placed upon the files for examination, until the fee is paid, and the specification, petition, oath, drawings, specimen or model (when required) are filed.*

24. The following persons are appointed agents to receive all moneys to be paid into the office, on applications for patents or otherwise :

The collector of the port of New Orleans, La.

The collector of the port of Mobile, Alabama.

The collector of the port of Savannah, Ga.

The collector of the port of Charleston, S. C.

The collector of the port of Wilmington, N. C.

25. Models, specimens, and every other thing pertaining to applications for patents, must be forwarded at the expense of the applicant. The cost of transportation and the postage will in no case be defrayed by the office.

26. Applications will be examined and disposed of, as far as practicable, in the order in which they are completed. When, however, an invention is deemed of peculiar importance to some branch of the public service, and when for that reason the head of a department of the government specially requests immediate action, the case will be taken up out of its order.

27. A specification cannot be amended in any material part, unless there is something to amend by—that is to say, it can only be so amended as to cause it to correspond with the drawing or model. A similar rule will be enforced in regard to amendments of the drawings or model.

28. The personal attendance of the applicant at the patent office is unnecessary. The business can be done by correspondence or by attorney. All correspondence must be addressed to the commissioner.

29. When an application has been finally decided, the office will retain the original papers, furnishing the applicant copies—if he desires them—at the rate of 10 cents the hundred words.

30. If a patent is granted, it will be transmitted to the patentee, or his agent, in case he has a full power of attorney authorizing him to receive it.

Retaining patents in the secret archives.

31. No application upon which a patent has been ordered to issue, shall be retained in the secret archives of the office more than six months from the day on which the patent was ordered to issue. The request to have the patent placed in the secret archives must in all cases be made by the patentee or the assignee of all the interest therein, in writing, and filed with the chief clerk, before the patent shall be recorded. On like request and the payment of the fee by any applicant, his specification and drawings will be filed in the secret archives of the office until he shall furnish the model and the patent be issued, not exceeding, however, the term of two years, the applicant being entitled to notice of interfering applications.

Of appeals.

32. After a case has been once rejected, the applicant may have a second examination by renewing his oath, either with or without an alteration of his specification. But such alteration must be in accordance with rule 27.

33. After a second rejection, the applicant may

bring the case before the commissioner in person, and if still dissatisfied, may appeal to the attorney general.

34. The mode of appeal will be by giving notice thereof to the commissioner, filing in the patent office, within such time as the commissioner shall appoint, the reasons of appeal, and paying to the commissioner the sum of twenty-five dollars. (Sec. 7.)

Of interferences.

35. When two or more persons claim to be the first inventors of the same thing, an "interference" will be declared between them, and a trial be had before the commissioner. Nor will the fact that one of the parties has already obtained a patent, prevent such an interference. For although the commissioner has no power to cancel a patent already issued, he may, if he finds that another person was the prior inventor, give him also a patent, and thus place them on an equal footing before the courts and the public. (Sec. 8.)

36. Upon the declaration of an interference, a day will be fixed for closing the testimony, and a further day fixed for the hearing of the cause. Previous to this latter day the arguments of counsel must be filed, if at all.

37. If either party shall wish a postponement of either the day for closing the testimony or the day of hearing, he must before the day he thus seeks to postpone has passed, show by affidavit a sufficient cause for such postponement.

Of reissues.

38. A reissue will be granted to the original patentee, his heirs or assigns, when, by reason of an insufficient or defective specification, the patent is invalid, provided the error has arisen from inadvertence, accident or mistake, without any fraudulent or deceptive intention. (Sec. 12.)

39. Whatever is really embraced in the original invention, and so described or shown that it might have been embraced in the original patent, may be the subject of a reissue.

40. The reissued patent expires at the time the original patent would have expired. For this reason such applications will be acted upon as soon as they are completed.

41. In all cases of applications for reissues, the original claim is subject to re-examination, and may be revised and restricted in the same manner as original applications. (Sec. 20.)

42. But in all such cases, after the action of the

office shall have been made known to the applicant, if he prefers the patent originally granted to that which will be allowed by the decision of the office, he will have the privilege of abandoning the latter and retaining the old patent.

43. The following is an appropriate form of application for a reissue :

Surrender of a patent for reissue.

To the Commissioner of Patents :

The petition of Samuel Prague of Jackson in the county of Hinds and state of Mississippi,

Respectfully represents, that he did obtain letters patent of the Confederate States for an improvement in rail road chairs ; which letters patent are dated on the 1st day of August 1861 ; that he now believes the same to be inoperative and invalid, by reason of a defective specification, which defect arose from inadvertence and mistake. He therefore prays he may be allowed to surrender the same, and requests that new letters patent may issue to him for the same invention for the residue of the period for which the original patent was granted, under the amended specification herewith

presented, he having paid twenty dollars into the treasury of the Confederate States, agreeably to the requirements of the act of congress in that case made and provided.

SAMUEL PRAGUE.

Form of oath to be appended to applications for re-issues.

*City of Jackson, County of Hinds,
and State of Mississippi, ss:*

On this day of
186 , before the subscriber, a ,
personally appeared the above named Samuel Sprague, and made solemn oath (or affirmation) that he verily believes that by reason of an insufficient or defective specification, his aforesaid patent is not fully valid and available to him, and that the said error has arisen from accident, inadvertence or mistake, and without any fraudulent or deceptive intention, to the best of his knowledge and belief.

Signed

_____.

Of disclaimers.

44. Where, by inadvertence, accident or mistake, the original patent is too broad, a disclaimer

may be filed either by the original patentee or by any of his assignees. (Sec. 19.)

45. The following is a sufficient form for a disclaimer :

To the Commissioners of Patents :

The petition of Alfred Lewis of Pasca-
goula in the county of Jackson, state of Missis-
sippi,

Respectfully represents, that he has, by assignment duly recorded in the patent office, become the owner of a right for the state of Mississippi, to certain improvements in the steam engine, for which letters patent of the Confederate States were granted to Hilaire Krebs of the town, county and state aforesaid, dated on the first of August 1861 ; that he has reason to believe, that through inadvertence and mistake, the claim made in the specification of said letters patent is too broad, including that of which the said patentee was not the first inventor. Your petitioner therefore hereby enters his disclaimer to that part of the claim in the aforesaid specification, which is in the following words, to wit : " I also claim the particular manner in which the piston of the above described engine is constructed, so as to insure the

close fitting of the packing thereof to the cylinder, as set forth; which disclaimer is to operate to the extent of the interest in said letters patent vested in your petitioner, who has paid ten dollars into the treasury of the Confederate States, agreeably to the requirements of the act of congress in that case made and provided.

ALFRED LEWIS.'''

When the disclaimer is made by the original patentee, it must be so worded as to express that fact.

Of designs.

46. In making an application for a patent for a design, the same course is to be pursued as in case of an application for patenting a machine; but it may be for a term of three and one-half years, the fee being ten dollars; or for a term of seven years, the fee being fifteen dollars; or for a term of fourteen years, the fee being twenty dollars. If the design can be sufficiently represented by a drawing, no model is requisite in making an application for a patent therefor.

47. The following, or equivalent forms, will be sufficient in applications for designs:

Form of application.

The petition of Sylvester Churchill of New Orleans in the parish of Orleans and state of Louisiana,

Respectfully represents, that your petitioner has produced or invented a new and original design for a composition in alto-relievo (or for a bust, statue or bass-relief or other thing, as the case may be), which he verily believes has not been known prior to the production thereof by your petitioner. He therefore prays that letters patent of the Confederate States for the term of _____ years, may be granted to him therefor, vesting in him and his legal representatives the exclusive right to the same, upon the conditions expressed in the act of congress in that case made and provided, he having paid _____ dollars into the treasury, and complied with the other provisions of said act.

SYLVESTER CHURCHILL:

Form of specification.

To all whom it may concern :

Be it known, that I, Sylvester Churchill, of the city of New Orleans in the parish of Orleans

and state of Louisiana, have produced or invented a new and original design for _____ ; and I do hereby declare, that the following is a full and exact description of the same.

[Here follows a description of the design, with reference to the specimen or drawing, the specification to conclude with declaring what the inventor claims.]

SYLVESTER CHURCHILL.

Witnesses :

HANNON JONES.

WM. ELDER.

Form of oath.

*City of New Orleans,
Parish of Orleans, State of Louisiana, ss :*

On this _____ day of _____ 186 _____, before the subscriber, a _____ personally appeared the within named Sylvester Churchill, and made oath (or affirmation) that he verily believes himself to be the original and first producer or inventor of the design for _____, and that he does not know or believe that the same was ever before known or used, and that he is a citizen of the Confederate States.

Of foreign patents.

48. The taking out a patent in a foreign country will not prejudice a patent previously obtained here.

49. Where a patent is applied for here, after the same invention has been patented abroad, it will extend only fourteen years from the date of the foreign patent. For this reason, such cases will be acted upon out of their order, and as soon as the application is completed.

50. Where an applicant seeks to make his a preferred case, in consequence of his having obtained a foreign patent, he should temporarily file in the office the patent so obtained, with the specifications (provisional or complete) attached, or an authenticated copy of them. But where such papers or copies cannot be conveniently furnished, it will be sufficient if the reasons of such inability be set forth by affidavit, and also the fact that a foreign patent has actually been obtained, giving its date, and showing clearly that the invention so patented covers the whole ground of his application here.

Of caveats.

51. Any citizen can file a caveat in the secret

archives of the office; and if at any time within one year thereafter, another person applies for a patent for the same invention, the caveator will be entitled to notice to complete his application, and to go into interference with the applicant for the purpose of proving priority of invention and obtaining the patent, if that fact be established. (Sec. 11.)

52. The caveator will not be entitled to notice of any application pending at the time of filing his caveat, nor of any application filed after the expiration of one year from the date of filing his caveat, unless he renews his caveat at the end of one year, by paying a second caveat fee. This will continue his caveat in full force for one year longer, and so on from year to year, as long as the caveator desires.

53. A caveat need not contain as particular a description of the invention as is requisite in a specification; but still the description should be sufficiently precise to enable the office to judge whether there is a probable interference when a subsequent application is made.

54. Caveat papers cannot be withdrawn from the office, nor undergo alteration after they have been filed; but additional papers relative to the

invention may be appended to the caveat (their date being noted), provided they are merely amendatory of the original caveat.

55. In the case of supplementary papers to any original caveat, the right to notice in regard to the subject of those papers expires with the caveat; and any additional papers not relating to the invention to which the caveat refers, will receive no notice.

56. The caveator, or any other person properly authorized by him, can at any time obtain copies of the caveat papers at the usual rate.

57. The caveat should be accompanied by a drawing or sketch of the invention.

58. The caveat fee cannot be applied to the application when completed. (Sec. 39.)

59. The following will give a general idea of the proper form of a caveat :

To the Commissioner of Patents :

The petition of John McRae, of Enterprise in the county of Clark and state of Mississippi,

Respectfully represents, that he has made certain improvements in the mode of constructing steam boilers, and that he is now engaged in experiments

for the purpose of perfecting the same, preparatory to his applying for letters patent therefor. He therefore prays that the subjoined description of his invention may be filed as a caveat in the secret archives of the patent office, agreeably to the provisions of the act of congress in that case made and provided, he having paid ten dollars into the treasury of the Confederate States, and otherwise complied with the requirements of the said act.

JOHN McRAE.

Enterprise, July 1st, 1861.

Annexed should be a description of the general principles of the invention, so far as it has been completed.

Of the repayment of money.

X 60. Money paid by actual mistake will be refunded; but a mere change of purpose after the payment has been made will not enable the person to obtain his money and withdraw his papers.

Of assignments.

X 61. An inventor can assign his entire right before a patent is obtained, so as to enable the assignee to take out the patent in his own name;

but the assignment must first be recorded, and the specifications sworn to by the inventor.

62. After a patent is obtained, the patentee may assign the right to make or use the thing patented in any specified portion of the Confederate States (sec. 10); but no such assignment to specified portions of the Confederate States, made prior to obtaining the patent, will enable the assignees to take out the patent in their names.

63. Every assignment should be recorded within three months from its date.

64. When the patent is to issue to the assignee, the entire correspondence should be in his name.

65. The receipt of assignments will not be acknowledged by the office. They will be recorded in their turn as soon as possible after they are received, and sent to the persons entitled to them.

66. An assignment of a patent granted by the United States, whether of the entire or of a partial interest, bona fide made before the fourth of February 1861, to a citizen of the Confederate States, or of the states of North Carolina and Tennessee, will continue the patent, or such interest therein as is assigned, in full force for the term for which it was issued yet unexpired, on certain conditions. These conditions are, that such assignment shall be

recorded in this office; that a descriptive drawing (and model, if necessary), sufficient to explain and identify the subject matter of the patent to which the assignment refers, shall be deposited in the office; and that a duty of twenty dollars, together with the cost of recording the papers, shall be paid by the assignee within nine months from the 21st of May 1861.

67. Form of an assignment of the entire interest in letters patent before obtaining the same, and to be recorded preparatory thereto:

Whereas I, John Doe, of _____ in the county of _____ and state of _____, have invented certain new and useful improvements in ploughs, for which I am about to make application for letters patent of the Confederate States: and whereas George Davis, of _____ in the county of _____ and state of _____, has agreed to purchase from me all the right, title and interest which I have or may have in and to the said invention, in consequence of the grant of letters patent therefor, and has paid to me, the said John Doe, the sum of ten thousand dollars, the receipt of which is hereby acknowledged:

Now, this indenture witnesseth, that for and in consideration of said sum to me paid, I have as-

signed and transferred, and do hereby assign and transfer to the said George Davis the full and exclusive right to all the improvements made by me, as fully set forth and described in the specification which I have prepared and executed preparatory to obtaining letters patent therefor. And I do hereby authorize and request the commissioner of patents to issue the said letters patent to the said George Davis, as the assignee of my whole right and title thereto, for the sole use and behoof of said George Davis, and his legal representatives.

In testimony whereof, I have hereunto set my hand and affixed my seal this first day of December 1861.

JOHN DOE. [Seal.]

Sealed and delivered in
presence of

RICHARD ROE.

STEPHEN FRY.

The above form can easily be changed, if only a partial right in a patent be assigned, and not the whole interest.

Of the office fees, and how payable.

68. Nearly all the fees payable to the patent office are positively required by law to be paid in

advance. For the sake of uniformity and convenience, the remaining fees will be required to be paid in the same manner—that is to say, before the labor is performed for which they are to be received in payment.

The following is the tariff of fees established by law. No discrimination is made as between the citizens of the Confederate States and aliens, when the governments of the latter make no discrimination against our citizens, have recognized our independence, and are in amity with us.

On filing every caveat, - - - - -	\$10 00
On filing each original application for a patent, except for a design, - - - - -	20 00
On issuing each original patent, - - - - -	20 00
On every appeal to the attorney general, - - - - -	25 00
On special applications for the reissue of a patent, as provided for in sections 12 and 17 of the law, - - - - -	20 00
On other applications for the reissue of a patent, if there be such, - - - - -	30 00
On filing an application for a patent for a design, for the term of three and one-half years, - - - - -	10 00
On filing an application for a patent for a design, for the term of seven years, - - - - -	15 00
On filing an application for a patent for a design, for the term of fourteen years, - - - - -	20 00
On filing each disclaimer, - - - - -	10 00
For revalidating or reviving patents granted by the United States to citizens of this Confederacy, - - - - -	20 00
For recording such patents, per hundred words, - - - - -	0 10

For certified copies of patents and other papers, per hundred words, - - - - -	0 10
For recording every assignment, agreement, power of attorney, and other papers of three hundred words or under, - - - - -	1 00
For recording every assignment and other paper, over three hundred words and under one thousand words; -	2 00
For recording every assignment and other writing, if over one thousand words, - - - - -	3 00
For copies of drawings, the reasonable cost of making the same.	

The office having no franking privilege, applicants must remit a sum of money to pay for postage—for distances under 500 miles, one dollar; over 500 miles, two dollars.

70. It is recommended that the money for the payment of fees should be deposited either with the public officers designated in a previous article, or an assistant treasurer, the applicant taking a certificate, and remitting the same to this office. When this cannot be done without inconvenience, the money may be remitted by express or by mail, at the risk and cost of the owner; and in every instance the letter accompanying the money should state the exact amount enclosed.

71. In case of deposit made with the assistant treasurers, or other persons authorized to receive the money, a duplicate receipt should be taken,

stating by whom the payment was made, and for what purpose.

The certificate of deposit may be made in the following form :

OFFICE OF THE _____.

The treasurer of the Confederate States has credit at this office for _____ dollars in specie deposited by _____ of the town of _____ in the county of _____ and state of _____, the same being the fee in an application for a patent for an improvement in churns (or whatever the thing may be), made (or to be made) by said _____.

A_____ B_____.

Persons depositing money in this way, must forward the receipt or certificate to this office as evidence thereof. Bank notes or checks cannot be received.

72. All money sent by mail from this office will be at the risk of the owner. In no case should money be sent enclosed with models.

73. All payments to and by this office must be made in specie.

Taking and transmitting testimony, &c.

74. Section 34 of the act requires the clerks of the courts of the Confederate States for any district or territory, on the application of any party to an interference in the patent office, or his attorney, to issue subpoenas for any witness residing or being within said district or territory, commanding such witness to appear and testify before any justice of the peace or other officer authorized by law to take depositions; and the judge of the court whose clerk shall issue such subpoena, is empowered and directed to enforce obedience to the process. But no witness can be required to attend at any place more than forty miles from the place where the subpoena shall be served upon him, nor unless his fees for going to, returning from, and one day's attendance at the place of examination, shall be paid or tendered to him at the time of the service of the subpoena; nor can a witness be required to disclose any secret invention made or owned by him. (Sec. 34.)

75. In contested cases, the following rules have been established for taking and transmitting evidence:

1st. That before the deposition of a witness or

witnesses be taken by either party, reasonable notice shall be given to the opposite party of the time and place when and where such deposition or depositions will be taken, so that the opposite party, either in person or by attorney, shall have full opportunity to cross examine the witness or witnesses; and such notice shall, *with proof of the service of the same*, be attached to the deposition or depositions, whether the party cross examine or not; and such notice shall be given in sufficient time for the appearance of the opposite party, and for the transmission of the evidence to the patent office before the day of hearing.

2d. That all evidence, &c. shall be sealed and addressed to the commissioner of patents by the persons before whom it is taken, and so certified thereon.

3d. That the certificate of the magistrate shall be substantially in the following form, viz:

“I hereby certify that the depositions of A, B, C, D, &c., relating to the matter of interference between E F and G H, were taken, sealed up and addressed to the commissioner of patents by me.

J———— L————,
Justice of the Peace.”

4th. That no evidence touching the matter at issue will be considered upon the said day of hearing, which shall not have been taken and filed in compliance with these rules; *provided*, that if either party shall be unable, for good and sufficient reasons, to procure the testimony of a witness or witnesses within the stipulated time, then it shall be the duty of said party to give notice of the same to the commissioner of patents, accompanied by statements, *under oath*, of the cause of such inability, and of the *steps* which have been taken to procure said testimony, and of the *time* or *times* when efforts have been made to procure it; which last mentioned notice to the commissioner shall be received by him previous to the day of hearing aforesaid.

76. The notice for taking testimony must be served, by delivering to the adverse party a copy: If he cannot be found, such service may be made upon his agent or attorney of record, or by leaving a copy at the party's usual place of residence, with some member of the family who has arrived at the years of discretion.

It must be annexed to the deposition, with a certificate, duly sworn to, stating the manner and time at which the service was made.

77. The testimony must (if either party desires it) be taken in answer to interrogatories—having the questions and answers committed to writing, in their regular order, by the magistrate, or under his direction, by some person not interested in the issue, nor the agent or attorney of one who is. The deposition, when complete, must be signed by the witness.

78. The magistrate must append to the deposition his certificate, stating the time and place at which it was taken, the names of the witnesses, the administration of the oath, at whose request the testimony was taken, the occasion upon which it is intended to be used, the names of the adverse parties, and whether they were present.

79. No notice will be taken, at the hearing, of any merely formal or technical objection, unless it may reasonably be presumed to have wrought a substantial injury to the party raising the objection: nor even then, unless as soon as that party became aware of the objection, he immediately give notice thereof to this office, and also to the opposite party, informing him at the same time that, unless corrected, he should urge his objection at the hearing.

80. The following forms are recommended for observance in the taking of depositions:

A B, being duly sworn, doth depose and say, in answer to interrogatories proposed to him by C D, counsel for E F, as follows, viz:

1st interrogatory. What is your name, your residence and occupation?

1st answer. My name is A B. I am a carpenter, and reside in Mobile, Alabama.

And in answer to cross interrogatories proposed to him by G H, counsel for J K, as follows, viz:

1st cross interrogatory, &c.

(Signed) A———— B————.

State of Alabama, Mobile County, ss:

At Mobile, in said county, on the
day of A. D. 186 , before me, personally appeared the above named A B, and made oath that the foregoing deposition, by him subscribed, contains the whole truth, and nothing but the truth.

The said deposition is taken at the request of E F, to be used upon the hearing of an interference between the claims of the said E F and those of J K, before the commissioner of patents of the Con-

federate States, at his office, on the _____ day of _____ next. The said J K was duly notified, as appears by the original notice hereto annexed, and certified by me.

L_____ M_____,
Justice of the Peace.

The magistrate must then seal up the deposition when completed, and endorse upon the envelope a certificate, according to the form prescribed in section 75, and sign it.

Rules of correspondencē.

81. All correspondence must be in the name of the commissioner of patents; and all letters and other communications intended for the office must be addressed to him. If addressed to any of the other officers, they will not be noticed, unless it should be seen that the mistake was owing to inadvertence.

82. When an agent has filed his power of attorney, duly executed, the correspondence will, in ordinary cases, be held with him only. A double correspondence with him and his principal, if generally allowed, would largely increase the labor of the office. For the same reason, the assignee of the entire interest in an invention will be alone

entitled to hold correspondence with the office, to the exclusion of the inventor. If the principal becomes dissatisfied, he must revoke his power of attorney, and notify the office, which will then communicate with him.

Of the filing and preservation of papers.

83. All claims and specifications filed in this office (including amendments) must be written in a fair, legible hand, without interlineations or erasures, except such as are clearly stated in a marginal or foot note written on the same sheet of paper. If they are not, the commissioner may direct them to be printed at the expense of the applicant. (Sec. 38.)

84. Every paper filed in the office must be endorsed in such a manner as to show its general character on the outside. It must also show the exact date on which it was filed. But where several papers which are all filed at one and the same time, are permanently fastened together, one "filing" for the whole will be sufficient.

Letters going on the files of any particular case must, in addition to the filing above directed, be endorsed with the name of the writer and date when written.

(The above rule is intended for the guidance of the employees in this office alone.)

85. All papers thus "filed" will be regarded as permanent records of the office, and must never, on any account, be changed, further than to correct mere clerical mistakes.

Of amendments.

86. All amendments of specifications or claims must be made on separate sheets of paper from the original, and must be filed in the manner above directed.

Where amendments are required, the papers themselves will be generally returned to the applicant; but it will be only to enable him to make those amendments so as to be in harmony with the context. Even where the amendment consists in striking out a portion of the specification or other paper, the same course should be observed. No erasure must be made. The papers must remain forever just as they were when filed, so that a true history of all that has been done in the case may be gathered from them.

87. The following are given as specimens of the forms proper to be observed in such cases:

"I hereby amend my specification, by inserting the following words after the word _____ in

the line of the page thereof; [here should follow the words that are to be inserted;] or, "I hereby amend my specification, by striking out the line of the page thereof;" or "by striking out the first and fourth claims appended thereto;" or whatever may be the amendment desired by the applicant.

88. The forms of other amendments will readily suggest themselves. In each case the exact words to be struck out or inserted should be clearly described, and the precise point where any insertion is to be made.

89. Where papers are returned to the applicant for amendment, the original papers must in all cases be returned to the office for preservation, together with the amendments.

90. In some cases amendments will be permitted to be made by writing out the entire paper anew; but even when this is done, the original paper must be returned and preserved.

91. No paper will be allowed to be taken from this office unless receipted for, or unless a written request be filed by the party entitled to control the case, nor until all interlineations and erasures are clearly noted on the paper in such manner as to prevent the possibility of any change being made without the certainty of immediate detection.

Rules for reconsiderations.

The following rules will be strictly observed, except when, for cause shown, in special cases, a modification shall be allowed :

92. Upon the rejection of an application for a patent for the want of novelty, the applicant will be furnished with references to the cases on which the rejection was made, and with a brief explanation of the cause of rejection.

Previous to the second examination of any case which has been once rejected, the applicant must renew, in substance, the oath originally filed with his specification.

But the applicant, without renewing his oath, may come before the proper examiner, between two and three o'clock P. M. on any Monday, Wednesday or Friday of the week, and may then point out any mistake or oversight on the part of the office, which will be cheerfully corrected ; but if the alleged error of which he complains is, in the judgment of the examiner, upon the merits of the application, and can only be made apparent by a re-examination of the case, the applicant cannot be heard to insist upon its correction, without a renewal of the oath of invention.

Should there be a second rejection after a re-

examination, the applicant may in person or by his agent, or in writing, bring the matter before the commissioner, who will examine the case in person. The decision of the commissioner will be final, so far as the action of this office is concerned. The only remaining remedy will be by appeal to the attorney general.

Of giving or withholding information.

93. Aside from the caveats which are required by law to be kept secret, all pending applications will be, as far as practicable, preserved in like secrecy. No information will therefore be given to those enquiring whether any particular application for a patent is before the office, or whether any particular person has applied for a patent.

94. But information will be given in relation to any case after a patent has issued, or after a patent has been refused, and the further prosecution of the application is abandoned.

The models in such cases will be so placed as to be subject to general inspection. The specifications and drawings in any particular case can be seen by any one having particular occasion to examine them; and copies thereof, as well as of patents granted, will be furnished to any one willing to pay the bare expense of making them.

Copies will be made on parchment, at the request of the applicant, upon his paying the additional cost.

95. Even after a case is rejected, the application will be regarded as pending until after the decision of an appeal thereon; but if a party whose application is filed, shall fail to complete it, so that it can be examined within two years after the filing of the petition, it will be regarded as abandoned, and the invention to which it refers dedicated to the public, unless it be shown, to the satisfaction of the commissioner, that such delay was unavoidable; and all applications pending prior to the 21st May 1861, the day of the passage of the patent law, will be treated as if filed thereafter. (Sec. 42.)

96. In all cases where the specification shall be withdrawn from the office, and retained by the applicant or his agent for the space of six months, an abandonment will be presumed, at least so far that the invention to which it relates will not be protected by any rule of secrecy.

97. Information in relation to pending cases will be given so far as it becomes necessary in conducting the business of the office, but no further. Thus, when an interference shall be declared between two pending applications, each of the contestants will

be entitled to a knowledge of so much of his antagonist's case as to enable him to conduct his own understandingly.

And where the rejection of an application shall be founded upon another case previously rejected, but not abandoned, the rejected applicant will be furnished with all information in relation to the previously rejected case which is necessary for the proper understanding and management of his own.

98. When an applicant claims a certain device, and the same device is found described but not claimed in another pending application which was previously filed, information of the filing of such second application will always be given to the prior applicant, with a suggestion that if he desires to claim a patent for that device, he should forthwith modify his specification accordingly.

99. But where the application which thus describes a device without claiming it shall be subsequent in date to that wherein such device is claimed the general rule will be that no notice of the claim in the previous application will be given to the subsequent applicant. But where there are any special reasons to doubt whether the prior applicant is really the inventor of the device claimed, or where there are any other peculiar and sufficient reasons for departing from the rule above stated,

the office reserves to itself the right of so doing without its being regarded as a departure from the established rule.

100. The office cannot respond to enquiries as to the novelty of an alleged invention, in advance of an application for a patent in manner pointed out in this pamphlet, for obvious reasons; nor to enquiries founded upon brief and imperfect descriptions propounded with a view of ascertaining whether such alleged improvements have been patented; and if so, to whom; nor can it act as an expounder of the patent law, nor as counsellor for individuals, except as to questions arising within the office.

101. All business with the office must be transacted in writing, unless by the consent of all parties, and the action of the office will be based exclusively on the written record. No attention will be paid to any alleged verbal promise or understanding in relation to which there is any disagreement or doubt.

RUFUS R. RHODES,

Commissioner of Patents.

Confederate States Patent Office, June 17, 1861.

